

REMARKS

Claims 1-38 are pending in this application. By this Amendment, claims 1, 6-9, 14, 20 and 24 are amended. Various amendments are made to the claims for clarity and are unrelated to issues of patentability.

Applicants gratefully acknowledge the Office Action's indication that claims 31-38 are allowed and that claims 5, 16-19, 23 and 29 contain allowable subject matter.

Entry of this Amendment is proper under 37 C.F.R. §1.116 because the amendments: a) place the application in condition for allowance for the reasons set forth below; b) do not raise any new reasons that require further search and/or consideration; and/or c) place the application in better form for an appeal should an appeal be necessary. More specifically, the amendments to claims 1 and 24 relate to previously recited claim language. See, for example, claims 6, 20 and 25. Other claim amendments are merely for clarity. Thus, no new issues are raised. Entry is proper under 37 C.F.R. §1.116.

The Office Action rejects claims 1-4, 20, 22 and 24 under 35 U.S.C. §102(e) by U.S. Patent 6,768,775 to Wen et al. (hereafter Wen). The Office Action also rejects claims 6-15, 21, 25-28 and 30 under 35 U.S.C. §103(a) over Wen in view of U.S. Patent 6,757,851 to Park et al. (hereafter Park). The rejections are respectfully traversed.

Independent claim 1 recites the encoder inserting channel coding information into the partitioned data and the channel coding information including size information of each of the plurality of partitions. Similar types of features were previously recited in claims 6, 7, 20, 21 and 25, for example.

Wen and Park do not teach or suggest all these features of independent claim 1. While size information of the plurality of partitions was previously recited in claims 6 and 20, the Office Action does not appear to have addressed these claimed features. When addressing dependent claim 7 (and apparently in addressing claims 20, 21 and 25), the Office Action asserts that Park's FIG. 2 discloses multiple partitions being mixed and therefore the size information of the partition would be considered and included for mixing. While not stating so explicitly, the Office Action appears to state that those claimed features are inherent. Applicants respectfully disagree. Furthermore, applicants respectfully submit that the Office Action has not provided any reference showing the claimed channel coding information including size information of each of the plurality of partitions. M.P.E.P. §2143.03 states that in order to establish *prima facie* obviousness of a claimed features, all the claim limitations must be taught or suggested by the prior art. Applicants respectfully submit that the Office Action fails to make a *prima facie* case of obviousness because Wen and Park do not teach or suggest the claimed channel coding information including size information of each of the plurality of partitions.

Most particularly, the Office Action's citation to Park's FIG. 2 as showing multiple partitions being mixed does not suggest that the size information of a partition would be considered and included for mixing. For example, the background section of the present application discusses that markers may be inserted between respective partitions. The markers may mark boundaries between the partitions. Similarly, Park's markers may mark boundaries between partitions. There is no suggestion that size information is included as alleged in the Office Action. Additionally, it is not inherent that Park discloses that channel coding

information includes size information of each of the plurality of partitions. Wen also does not teach or suggest these features. Thus, independent claim 1 defines patentable subject matter at least for this reason.

Independent claim 20 recites mixing a partition table storing size information of each of the partitions and the channel coded partitions so as to form a bit stream. In addressing this claim, the Office Action states on page 3, lines 3-5 that the limitations are substantially similar to the combined features of claims 1-4 and therefore the rejection is not further stated. However, independent claim 20 specifically recites mixing a partition table storing size information of each of the partitions and the channel coded partitions so as to form a bit stream. These specific features are not all recited in claims 1-4. Applicants respectfully submit that the Office Action has failed to address the partition table recited in independent claim 20.

Wen and Park do not teach or suggest these features of independent claim 20. That is, Wen and Park do not suggest a partition table storing size information of each of the plurality of partitions. In rejecting claims 6-8, 20-21 and 24-25, which each include some reference to a partition table, the Office Action never addresses the claimed partition table. Applicants respectfully submit that the Office Action has failed to address a specifically claimed feature with respect to at least independent claim 20 (as well as dependent claims 6-8, 20-21 and 24-25). Thus, the Office Action fails to make a *prima facie* case of obviousness at least with respect to these claims. Wen and Park do not teach or suggest a partition table storing size information of each of the plurality of partitions as recited in independent claim 20. Thus, independent claim

20 defines patentable subject matter at least for this reason. At least claims 6-7, 20-21, and 24-25 define patentable subject matter for at least similar reasons.

Independent claim 24 also defines patentable subject matter for at least similar reasons as set forth above with respect to independent claims 1 and 20. That is, independent claim 24 recites partitioning a bit stream into a plurality of partitions with reference to a partition table included in the received bit stream, the partition table including size information of each of the partitions. For at least the reasons set forth above, Wen and Park do not teach or suggest these features.

Independent claim 26 recites checking whether a marker emulation has occurred in the mixed partitions and performing a process to avoid a marker emulation. In addressing this claim, the Office Action (on page 4) references Park's FIG. 2 as allegedly showing the claimed features. However, there is no suggestion in Park's FIG. 2 of markers 22A and 24A relating to checking whether a marker emulation has occurred in the mixed partitions and performing a process to avoid a marker emulation. Rather, the Office Action merely references the markers 22A and 24A and states that partition 1 is different from partition 2 and that a marker is used to mark that they are different. However, this does not relate to the claimed method that includes checking whether a marker emulation has occurred in the mixed partitions and performing a process to avoid a marker emulation. Wen and Park do not teach or suggest these features of independent claim 26. Thus, independent claim 26 defines patentable subject matter at least for this reason.

For at least the reasons set forth above, each of independent claims 1, 20, 24, 26 and 33 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

For example, dependent claim 3 recites that the inserted channel coding information relates to an index of a channel coding rate table (CCRT). Each of independent claim 24 and dependent claims 3, 8, 14 and 28 also relate to an index of a CCRT. When addressing dependent claim 3, the Office Action asserts (page 2, last three lines) that Wen's FIG. 3 and col. 5, lines 1-45 corresponds to an index of a channel coding rate table. However, Wen does not disclose any type of channel coding rate table. Wen also does not relate to an index of a channel coding rate table. Wen and Park do not teach or suggest the recited features of claims 3, 8, 14, 24 and 28. Thus, these claims define patentable subject matter at least for this additional reason.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-38 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, David C. Oren, at the telephone number listed below.

Serial No. 10/002,404
Reply to Office Action dated June 30, 2005

Docket No. P-0311

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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